

Tennessee Department of Health  
Office of Policy, Planning and Assessment  
Tennessee Cancer Registry

Chapter 1200-07-02  
Cancer Reporting System

Statement of Necessity Requiring Public Necessity Rules

I am herewith submitting amendments to the rules of the Tennessee Department of Health, Office of Policy, Planning and Assessment, Tennessee Cancer Registry, for promulgation pursuant to the public necessity provisions of the Uniform Administrative Procedures Act, T.C.A. § 4-5-209.

Pursuant to T.C.A. § 4-5-209 (a) (3), the Commissioner is authorized to promulgate public necessity rules and regulations when it is required by an agency of the federal government and adoption of the rule through ordinary rulemaking procedures described in this chapter might jeopardize the loss of a federal program or funds. Rule 1200-07-02-.03 Definitions must therefore be amended to add the definition of "brain-related tumor" as required by the Public Health Services Act, PL 107-260.

For a copy of this public necessity rule contact: Martin Whiteside at the Tennessee Cancer Registry by mail at 425 5<sup>th</sup> Avenue North, Cordell Hull Building, 6<sup>th</sup> Floor, Nashville, Tennessee 37243 or by telephone at (615) 532-7903.

Susan R. Cooper, MSN, RN  
Commissioner  
Tennessee Department of Health

Public Necessity Rules  
of  
Tennessee Department of Health  
Office of Policy, Planning and Assessment  
Tennessee Cancer Registry

Chapter 1200-07-02  
Cancer Reporting System

Amendments

Rule 1200-07-02-.03 Definitions Paragraph (1) is amended by adding a new sub paragraph (f) which shall read as follows:

- (f) brain-related tumor.

Rule 1200-07-02-.03 Definitions is further amended by adding a new Paragraph (2) and renumbering the existing Paragraphs (2) through (13) to become Paragraphs (3) through (14). The new paragraph (2) shall read

- (2) Brain-related tumor means a listed primary tumor (whether malignant or benign) occurring in any of the following sites:
  - (a) the brain, meninges, spinal cord, cauda equina, a cranial nerve or nerves, or any other part of the central nervous system.
  - (b) the pituitary gland, pineal gland or craniopharyngeal duct.

Authority: T.C.A. §§ 4-5-209 and 68-1-1001 et seq.

The public necessity rules set out herein were properly filed in the Department of State on the 3rd day of August, 2007, and will be effective from the date of filing for a period of 165 days. These Public Necessity Rules will remain in effect through the 15th day of January, 2007. (FS 08-03-07; DBID 2646)

Addendum

Regulatory Flexibility Act Analysis  
of Impact on Small Businesses

The Office of Policy, Planning and Assessment, Tennessee Cancer Registry must, pursuant to the Regulatory Flexibility Act, Public Chapter No. 464, consider whether the proposed amendment to the rule is such that it will have an economic impact on small businesses (businesses with 50 or fewer full time employees). The proposed amendment is for the purpose of amending Chapter 1200-7-2, Cancer Reporting System Rule 1200-7-2-.03 Definitions Paragraph (1) by deleting subparagraphs (d) and (e) and substituting instead the following language:

- (d) malignant neoplasm;
- (e) in-situ cancer; and
- (f) brain-related tumor.

This amendment is necessary so as to define the term “brain-related tumors” as required by the Federal Health Services Act, PL 107-260 and to ensure the continued receipt of federal grant funds. Therefore, it is the intent of the Tennessee Department of Health to promulgate this proposed amendment to the rule without rulemaking hearing unless a petition requesting such is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendment is published.

As required by the Regulatory Flexibility Act, the Tennessee Department of Health conducted an analysis based on the criteria set forth in Public Chapter No. 464 to determine the economic affect, if any; the proposed amendment to the rule would have on small businesses. Given that the sole purpose of the amendment is to bring the State of Tennessee into compliance with federal law and regulations as explained above, the outcome of the analysis is as follows

- (1) The proposed amendment does not overlap, duplicate, or conflict with other federal, state, and local governmental rules; and
- (2) The language of the proposed amendment is clear, concise, and lacks ambiguity; and
- (3) The amendment does not affect any established reporting requirements for small businesses; and (points of analysis 4, 5, 6, are not applicable to this rule amendment)
- (4) That the amendment establishes friendly schedules or deadlines for compliance and/or reporting requirements for small businesses; and
- (5) That they consolidate or simplify compliance or reporting requirements for small businesses; and
- (6) That they establish performance standards for small businesses as opposed to design or operational standards; and
- (7) The amendment does not create unnecessary entry barriers or other effects that stifle entrepreneurial activity since the proposed amendment is for the sole purpose of ensuring compliance with federal law so as to ensure the continued receipt of federal funds.
- (8) Pursuant to Public Chapter No. 464, Section 6, this part shall not apply to rules that are adopted on an emergency or public necessity basis under title, Chapter 5, Part 2, that are federally mandated, or that substantially codify existing state or federal law. A rule of public necessity, Chapter 1200-7-2 was filed in this matter on August 3, 2007, effective through January 15, 2008. The foregoing amendments are necessary to carry out the mandate of federal law pursuant to the Federal Health Services Act, PL 107-260, a copy of which is attached.